

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE ESTATE OF ANA MENDIETA
COLLECTION, LLC,

Plaintiff,

- against -

EDWARD MERINGOLO and SOTHEBY'S, INC.,

Defendants.

ECF CASE

20-CV-01841 (MKV)

**STIPULATION AND ORDER OF
DISMISSAL WITH PREJUDICE
PURSUANT TO FRCP 41(a)(1)(A)(II)**

SOTHEBY'S, INC.,

Counter-Claimant and Third Party Plaintiff,

- against -

THE ESTATE OF ANA MENDIETA
COLLECTION, LLC,

Counterclaim Defendant, and

EDWARD MERINGOLO,

Crossclaim Defendant.

IT IS HEREBY STIPULATED AND AGREED by and between undersigned counsel for the parties, pursuant to Rule 41(a)(1)(A)(2) of the Federal Rules of Civil Procedure (the "Rules"), that: (i) Plaintiff and Counterclaim Defendant The Estate of Ana Mendieta Collection, LLC (the "Estate") and Defendant and Crossclaim Defendant Edward Meringolo ("Meringolo") hereby dismiss with prejudice any and all claims the Estate and Meringolo have against Defendant and Counterclaim Plaintiff Sotheby's, Inc. ("Sotheby's"); (ii) Sotheby's hereby dismisses with prejudice its Counterclaims and Crossclaims against the Estate and Meringolo, respectively; (iii) Sotheby's agrees not to pursue any claims it may have for its attorneys' fees from the Estate or

Meringolo; (iv) Sotheby's agrees to retain possession of the photograph titled *Guanaroca (Esculturas Rupestres [First Woman Rupestrian Sculptures])* by the artist Ana Mendieta (the "Artwork") until either the Estate and Meringolo reach a settlement and provide Sotheby's with joint written instructions as to the disposition of the Artwork or the Court enters a final nonappealable order resolving the title dispute between the Estate and Meringolo; and (v) the Estate and Meringolo hereby release Sotheby's from any liability for loss or damage to the Artwork and within ten (10) days of the Court "so ordering" this Stipulation, the Estate and/or Meringolo will provide Sotheby's with a certificate of insurance and waiver of subrogation.

This Stipulation may be signed in counterparts, each of which shall constitute an original and when taken together shall constitute an original and that a facsimile or PDF of this stipulation shall have the same force and effect as the original.

[Signature page follows]

Dated: 2020-May-15
New York, New York

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SO ORDERED:

By: United States District Judge